

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date / Time of Incident:	January 25, 2016, approximately 4:39 p.m.
Location of Incident:	[REDACTED]
Date / Time of COPA Notification:	January 25, 2016, approximately 5:44 p.m.

Two plainclothes Chicago Police Department (CPD) officers encountered three civilians in an apartment building stairwell. A disturbance ensued when the officers detained one of the civilians and demanded he produce identification. After initially protesting and refusing to comply, the civilian eventually produced identification to the officers' satisfaction. Nevertheless, the disturbance continued. The officers called for assistance, and numerous other CPD members arrived on scene. All three civilians were arrested on charges including assault, battery, and resisting arrest. All charges were eventually dismissed. The civilians complain that the initial stop and the subsequent arrests were improper. They also claim CPD members used excessive force and verbal abuse.

**II. INVOLVED PARTIES**

Involved Member #1:	Star # [REDACTED], Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2006 Rank: Police Officer; Unit: [REDACTED] DOB: [REDACTED] 1983, M/W
Involved Member #2:	Star # [REDACTED], Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2007 Rank: Police Officer; Unit: [REDACTED] DOB: [REDACTED] M/W
Involved Member #3:	Star # [REDACTED], Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2012 Rank: Police Officer; Unit: [REDACTED] DOB: [REDACTED] 1983, M/W
Involved Member #4:	Star # [REDACTED], Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2000 Rank: Police Officer; Unit: [REDACTED] DOB: [REDACTED] 1975, M/W

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

**Involved Parties****(continued)**

Involved Member #5:

Star # [REDACTED] Employee ID# [REDACTED]

Date of Appointment: [REDACTED] 2000

Rank: Sergeant; Unit: [REDACTED]

DOB: [REDACTED] 1974; M/W

Subject #1:

[REDACTED]; DOB: [REDACTED]; M/B

Subject #2:

[REDACTED], DOB: [REDACTED]; M/B

Subject #3:

[REDACTED], DOB: [REDACTED]; F/B

**III. ALLEGATIONS**

Officer	Allegation	Finding
P.O. [REDACTED]	<p>1. [REDACTED] alleges that at approximately 4:39 p.m. on January 25, 2016, at [REDACTED] [REDACTED] the accused improperly seized his person in that the accused detained him and demanded that he produce identification without lawful grounds, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>2. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] allege that at the above-stated time and place, the accused engaged in an unjustified verbal or physical altercation with them when they protested the above-described detention, in violation of Rule 9 of the CPD Rules of Conduct.</p> <p>3. [REDACTED] [REDACTED] and [REDACTED] [REDACTED] allege that at the above-stated time and place, the accused failed to identify himself by giving his name, rank, and star number after having been so requested by them, in violation of Rule 37 of the CPD Rules of Conduct.</p> <p>4. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>5. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p>	SUSTAINED / VIOLATION NOTED
		SUSTAINED / VIOLATION NOTED
		EXONERATED
		UNFOUNDED
		NOT SUS-TAINED

Allegations (continued)		
P.O. [REDACTED]	<p>1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused detained him and demanded that he produce identification without lawful grounds, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>2. [REDACTED] and [REDACTED] allege that at the above-stated time and place, the accused engaged in an unjustified verbal or physical altercation with them when they protested the above-described detention, in violation of Rule 9 of the CPD Rules of Conduct.</p> <p>3. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>4. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p>	SUSTAINED / VIOLATION NOTED
		SUSTAINED / VIOLATION NOTED
		UNFOUNDED
		UNFOUNDED
Sgt. [REDACTED]	1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	NOT SUS-TAINED
P.O. [REDACTED]	1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	NOT SUS-TAINED
P.O. [REDACTED]	1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized her person in that the accused arrested her without probable cause to believe that she had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	UNFOUNDED

**IV. APPLICABLE RULES AND LAWS**

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**Rules**

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- 1.CPD Rules of Conduct, Rule 1 (prohibiting the violation of any law or ordinance).
- 2.CPD Rules of Conduct, Rule 2 (prohibiting any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department).
- 3.CPD Rules of Conduct, Rule 8 (prohibiting disrespect to or maltreatment of any person, while on or off duty).
- 4.CPD Rules of Conduct, Rule 9 (prohibiting members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty).
- 5.CPD Rules of Conduct, Rule 37 (requiring members, whether on or off duty, to correctly identify themselves by name, rank and star number when so requested by other CPD members or by a private citizen).

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**Special Orders**

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1. Special Order S04-16, Investigative Alerts (Effective Date: March 6, 2001).
2. Special Order S04-13-09, Investigatory Stop System (Effective Dates: January 1, 2016 through March 22, 2016).

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**Federal Laws**

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1. U.S. Constitution, Fourth Amendment

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**State Laws**

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1. (720 ILCS 5/31-1(a)) Resisting or obstructing a peace officer, firefighter, or correctional institution employee.
2. (720 ILCS 5/12-3) Battery
3. (720 ILCS 5/12-2) Aggravated assault.

V. INVESTIGATION<sup>2</sup>A. Interviews<sup>3</sup>

1. [REDACTED] gave a **Digitally Recorded Interview** on January 25, 2016.<sup>4</sup> He stated that on January 25, 2016, (a) he was leaving a [REDACTED] at [REDACTED] with relatives, [REDACTED] and [REDACTED] when they encountered two CPD members in plainclothes (later determined to be Officers [REDACTED] and [REDACTED]); (b) Officers [REDACTED] and [REDACTED] demanded [REDACTED] produce identification; (c) a verbal altercation ensued, which led to a physical altercation and the arrests of [REDACTED] and [REDACTED] and (d) during the incident, officers used excessive force and were verbally abusive. [REDACTED] claimed to have recorded the incident on video.

2. [REDACTED] gave a **Digitally Recorded Interview** on February 11, 2016.<sup>5</sup> He stated that on the date and time in question, (a) he was leaving his [REDACTED] at [REDACTED] with his sister, [REDACTED] behind his nephew, [REDACTED] who had already started to descend a building stairway; (b) he observed two CPD members (later determined to be Officers [REDACTED] and [REDACTED]), one of whom he misidentified as Officer [REDACTED] demand [REDACTED] produce identification; (c) [REDACTED] initially refused, but then complied; and (d) a verbal altercation ensued that led to his arrest. [REDACTED] acknowledged that as many as four arresting officers had difficulty handcuffing him, and he allowed himself to be handcuffed only after officers threatened to tase him. He claimed one of the officers pushed his head against a wall. He denied injury necessitating treatment.

3. [REDACTED] gave a **Digitally Recorded Interview** on February 17, 2016.<sup>6</sup> He stated that on the date and time in question, (a) he was descending a stairwell at [REDACTED] with his two-year old son in his arms, along with his mother, [REDACTED] and his uncle, [REDACTED] after the four of them departed [REDACTED] in the building; (b) they encountered two CPD members in plainclothes (later determined to be Officers [REDACTED] and [REDACTED]) who demanded he produce identification; (c) he protested, but eventually complied; (d) one of the officers stated he was looking for a person named [REDACTED]; (e) the officers carried a photograph; (f) [REDACTED] became angry; (g) he asked for one of the officer's badge number; (h) a number of other CPD personnel arrived; (i) one of the responding officers grabbed his legs and pulled him downstairs, and other officers whom he could not identify carried him out of the hallway; (j) one of the officers dug his nails into his genitals - that officer was a white male, 6'3" to 6'5" in height; (k) unidentified officers kicked him in the head; (l) he did not sustain injury other than a scrape; and (m) he observed a uniformed officer grab and push [REDACTED] head against a wall.

<sup>2</sup>IPRA and COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered by IPRA and COPA and relied upon by COPA in our analysis.

<sup>3</sup>Parts V.A.1 through V.A.9 below are summaries of the pertinent parts of interviews relied upon by COPA in its analysis.

<sup>4</sup>Attachment #7 is the recording; Attachment #44 is the transcription.

<sup>5</sup>Attachment #48 is the recording; Attachment #58 is the transcription.

<sup>6</sup>Attachment #49 is the recording; Attachment #60 is the transcription.

4. [REDACTED] gave a **Digitally Recorded Interview** on February 17, 2016.<sup>7</sup> She stated that on the date and time in question, (a) she was descending a stairwell at [REDACTED] with her son [REDACTED] and her brother, [REDACTED] when they encountered two CPD members in plainclothes (later determined to be Officers [REDACTED] and [REDACTED]) who demanded [REDACTED] produce identification; (b) she could see Officer [REDACTED] name on his clothing; the other officer's name was not visible; (c) Officer [REDACTED] pulled out a folded piece of paper from his jacket and stated, "You're [REDACTED]"; (d) an argument ensued; (e) the [REDACTED] demanded Officer [REDACTED] name and badge number - he did not provide it; (f) the officers called for assistance; (g) a responding officer grabbed [REDACTED] by the legs and started dragging him down the stairs; (h) another officer rushed [REDACTED] into a wall; (i) she began to record the incident with a cell phone; (j) a responding officer, whom she identified as Officer [REDACTED] tried to take her phone from her, and he threw it; (k) Officer [REDACTED] then arrested her; and (l) Officer [REDACTED] twisted her arm as he led her from the building.

5. Officer [REDACTED] gave a **Digitally Recorded Statement** on April 19, 2018.<sup>8</sup> Officer [REDACTED] then stated:

On the date and time in question, Officers [REDACTED] and [REDACTED] were assigned to Unit [REDACTED] tactical team. They went to [REDACTED] to seek and arrest a certain Mr. [REDACTED], who was described in an Investigative Alert.<sup>9</sup> They had a recent arrest photograph of [REDACTED]. They were in civilian dress; Officer [REDACTED] was wearing a zip-up hoodie. He did not know whether his name or star number were visible. The two officers encountered [REDACTED] and others in a building stairwell. [REDACTED] "closely resembled" [REDACTED] as [REDACTED] was depicted in the photograph and as described in the Investigative Alert. When COPA investigators pointed out that [REDACTED] is described in arrest records as 5'9" in height, and that [REDACTED] arrest report describes [REDACTED] as 6'3" in height,<sup>10</sup> Officer [REDACTED] stated that he could not remember if [REDACTED] height was listed in the Investigative Alert.<sup>11</sup> Officer [REDACTED] did not remember if he looked at [REDACTED] hands.<sup>12</sup>

Officers [REDACTED] and [REDACTED] showed [REDACTED] the photo of [REDACTED] and asked [REDACTED] to produce identification. [REDACTED] became angry and "vulgar," a disagreement arose, and others present (not the officers) raised their voices. The officers remained calm and tried to de-escalate the situation. [REDACTED] was not free to leave at the time of the encounter. After one or two minutes, [REDACTED] produced identification, and the officers told [REDACTED] he was free to leave. [REDACTED] then displayed

<sup>7</sup>Attachment #54 is the recording; Attachment #59 is the transcription.

<sup>8</sup>Attachments # 82 and 83 are respective copies of Parts I and II thereof.

<sup>9</sup>In general, an "Investigative Alert" is a form of CPD intra-organization notification, described by Special Order S04-16, which informs CPD members that there is probable cause to arrest a subject or that a CPD Bureau of Investigative Services member seeks to interview a subject.

<sup>10</sup>See Attachments #22, 66, and 92.

<sup>11</sup>COPA was unable to obtain a copy of the Investigative Alert that Officers [REDACTED] and [REDACTED] possessed at the time of the incident. Instead, COPA was only able to obtain a copy of an Investigative Alert bearing the same serial number, but which, on its face, shows that it was created after the incident in question. Attachment #70 is a copy of that document. Attachment #70 and [REDACTED] arrest records (Atts.#66 and 92) describe [REDACTED] as, among other things, 5'9" in height.

<sup>12</sup>Attachment #70 describes [REDACTED] as having a distinctive tattoo'on his left hand.

a cellphone and demanded the officers' names and star numbers. In response, Officer [REDACTED] suggested they all go downstairs and that the officers would then provide that information. Officer [REDACTED] did not provide the information at that time because he thought it would be safer if they all went downstairs. [REDACTED] then grabbed Officer [REDACTED] outer garment, an act which Officer [REDACTED] took to be insulting or provoking. The encounter continued and the officers attempted to de-escalate the situation verbally. Officer [REDACTED] stated he could not remember if he provided his name and star number as they did so.

Officer [REDACTED] called for assistance and assisting CPD personnel arrived. [REDACTED] screamed at Officer [REDACTED] and pointed his index finger within inches of Officer [REDACTED] face, causing Officer [REDACTED] to apprehend receiving a battery. Sergeant [REDACTED] who arrived on scene, then arrested [REDACTED] with Officer [REDACTED] assistance. As he was attempting to remove [REDACTED] from the scene, Officer [REDACTED] observed Officer [REDACTED] arresting [REDACTED]. He did not observe the arrest of [REDACTED].

**6. Officer [REDACTED] gave a Digitally Recorded Statement on April 20, 2018.<sup>13</sup>** In his statement, Officer [REDACTED] gave an account of the incident that was substantially similar to Officer [REDACTED] account.

**7. Officer [REDACTED] gave a Digitally Recorded Statement on April 23, 2018.<sup>14</sup>** Immediately prior to and during his statement, Officer [REDACTED] reviewed the video purportedly made by [REDACTED]<sup>15</sup> During his statement, Officer [REDACTED] stated he arrived at the scene in response to a request for assistance; that upon his arrival, he positioned himself between [REDACTED] and other CPD members as they sought to remove [REDACTED] from the scene, in order to create distance between [REDACTED] and those other CPD members. [REDACTED] then placed a cellphone so close to Officer [REDACTED] face that it interfered with his vision, prompting him to lower her arm. [REDACTED] then aggressively grabbed at Officer [REDACTED] vest and collar, causing him to fall back against a metal grating. Officer [REDACTED] identified a sound heard on the [REDACTED] video as the sound of his body striking the metal grating.

**8. Officer [REDACTED] gave a Digitally Recorded Statement on April 26, 2018.<sup>16</sup>** Officer [REDACTED] stated he arrived at the scene in response to a request for assistance; that upon his arrival, he observed a struggle involving CPD members and [REDACTED] that he attempted to separate [REDACTED] from that struggle, that [REDACTED] pulled away from Officer [REDACTED] attempts to separate him, that he arrested [REDACTED] as a result, and that [REDACTED] did not offer further resistance.

**9. Sergeant [REDACTED] gave a Digitally Recorded Statement on May 2, 2018.<sup>17</sup>** Sgt. [REDACTED] stated he arrived at the scene in response to a request for assistance; that upon his arrival, he observed an angry confrontation, and that Officers [REDACTED] and [REDACTED] were separated from each other. He sought to restrain [REDACTED] because he became concerned about officer safety. He denied having a detailed recollection of the incident.

<sup>13</sup>Attachment #84 is a copy.

<sup>14</sup>Attachments ## 85 and 86 are respective copies of Parts I and II thereof.

<sup>15</sup>That video is described below at Part V.B.2.b.

<sup>16</sup>Attachment #90 is a copy.

<sup>17</sup>Attachment #96 is a copy

**B. Digital Evidence****1. Video Evidence****a. Video provided by [REDACTED]**

[REDACTED] provided video footage having a duration of one minute, two seconds.<sup>18</sup> The video depicts several CPD members slowly escorting [REDACTED] towards and down the building's stairwell, which is apparently obstructed by other CPD members. No CPD members are shown using force or verbal abuse. The video also shows a close shot of Officer [REDACTED] face at the time of and immediately prior to the video's termination.

**b. Video provided by [REDACTED]**

Mr. [REDACTED] provided three separate pieces of video footage, only two of which have apparent significance.<sup>19</sup> One piece of video has a duration of fourteen seconds. Among other things, it depicts Officer [REDACTED] and it shows that his outer garment partially obscures a star number displayed on his safety vest. The other significant piece of video footage provided by [REDACTED] has a duration of six minutes and thirteen seconds. It depicts several CPD members slowly escorting [REDACTED] towards and down the building's stairwell, which is apparently obstructed by other CPD members. No CPD members are depicted using force or verbal abuse.

**2. Photographs**

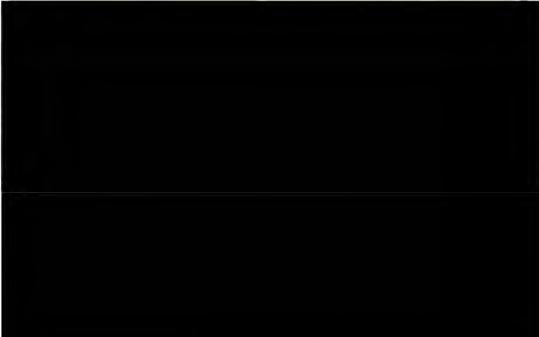
COPA obtained copies of arrest photographs of [REDACTED] taken at the time of his arrests that most recently preceded the incident. Those photographs are displayed below, next to copies of the arrest photograph of [REDACTED] taken shortly after the incident.

[PHOTOGRAPHS ON FOLLOWING PAGE]

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<sup>18</sup> Attachment #55.

<sup>19</sup> Attachment #56.

	
████████ January 25, 2016 Arrest <sup>20</sup>	████████ October 17, 2015 Arrest <sup>21</sup>

	
████████ January 25, 2016 Arrest <sup>22</sup>	████████ June 15, 2015 Arrest <sup>23</sup>

COPA also obtained photographs taken of █████ and █████ by evidence technicians shortly after the incident.<sup>24</sup> No sign of injury is apparent in any of those photographs.

### C. Documentary Evidence

1. In the narrative portion of the applicable **Original Case Incident Report**,<sup>25</sup> Officer █████ wrote the following:

While approaching █████ landing R/Os were on staircase when they were spontaneously confronted by multiple subjects who were leaving a █████. R/O/s observed an individual who closely resembled subject of on Inv. Alert. Believing subject to be same person with Inv. Alert, R/Os requested identification from subject to confirm or dispel their suspicion. Said subject and the other indi-

<sup>20</sup>From Attachment #18.

<sup>21</sup>From Attachment #66.

<sup>22</sup>From Attachment #18.

<sup>23</sup>From Attachment #92.

<sup>24</sup>Attachment #57.

<sup>25</sup>Attachment #28.

viduals present immediately became irate and verbally abusive towards R/Os. Subject [REDACTED] continued to be irate and claimed he did not have to show officers identification and demanded to walk past officers without producing identification. R/Os informed subject that once R/Os could disprove subject's being the same as subject of Inv. Alert he would be free to go. R/Os continued to attempt to gain identification from subject at which time remaining subjects in hallway continued to be irate and verbally abusive stating subject didn't 'have to show them shit!' After a few moments, subject resembling subject of Inv. Alert produced identification and R/Os observed subject to be [REDACTED]. Having disproved their suspicion that subject was subject of active Inv. Alert with Prob. Cause to arrest, R/Os informed [REDACTED], [REDACTED] that he was free to leave. At this time [REDACTED], [REDACTED] continuing to be verbally irate pulled out a cell phone and placed it inches from R/O [REDACTED] and R/O [REDACTED] face and demanded R/Os names and star numbers. For R/O's safety R/O [REDACTED] advised subject to remove camera from R/Os faces and that if he could not see said information on R/Os' vests that [REDACTED], [REDACTED] could walk down stairs to main level and R/Os would provide [REDACTED] with said information. All parties again became verbally irate at which time [REDACTED], [REDACTED] grabbed R/O [REDACTED] outer garment and pulled it to the side while stating 'I wanna see your badge number.'

In the narrative, Officer [REDACTED] also noted: (1) the officers then called for assistance, attempted de-escalation, and warned against further physical contact with the officers; (2) the encounter was ongoing when responding officers arrived, (3) upon responding, Sgt. [REDACTED] restrained and arrested [REDACTED], as did Officer [REDACTED], because each apprehended that Officer [REDACTED] would otherwise have become the victim of a battery, (4) [REDACTED] offered physical resistance, (5) upon responding, Officer [REDACTED] attempted to restrain [REDACTED] as [REDACTED] was resisting, (6) and that [REDACTED] then offered resistance, leading to his arrest.

Officer [REDACTED] also wrote, not verbatim, that upon responding, Officer [REDACTED] arrested [REDACTED] because she pushed him with two hands and grabbed him by his collar.

Officer [REDACTED] also wrote, that [REDACTED] stated to Sgt. [REDACTED] after his arrest, and at the [REDACTED] District, that he "shouldn't have put my finger in that Officer's eye ...and I apologize."

**2. In an Investigatory Stop Report ("ISR") relating to the incident,<sup>26</sup> Officer [REDACTED] described the circumstances of the incident similarly to Officer [REDACTED] account in the Original Case Incident Report.**

**3. In an Arrest Report relating to the arrest of [REDACTED],<sup>27</sup> Officer [REDACTED] wrote a description of the circumstances of [REDACTED] arrest that is substantially similar to the description set out in the Original Case Incident Report. The report describes [REDACTED] as 6'3" in height; it shows that [REDACTED] was charged with misdemeanor battery (with Officer [REDACTED] listed as the victim) and with misdemeanor resisting/obstructing (with Officer [REDACTED] listed as the victim).**

<sup>26</sup>Attachment #91.

<sup>27</sup>Attachment #22.

4. In an **Arrest Report** relating to the arrest of [REDACTED]<sup>28</sup> one of the responding officers wrote a description of the circumstances of his arrest that is substantially similar to the description set out in the Original Case Incident Report. The report shows that [REDACTED] was charged with misdemeanor aggravated assault and misdemeanor resisting/obstructing, with Officer [REDACTED] listed as the victim in each case.

5. In an **Arrest Report** relating to the arrest of [REDACTED]<sup>29</sup> Officer [REDACTED] wrote that, after he had arrived at the scene and while he was attempting to create distance between [REDACTED] and CPD members, [REDACTED] placed a cellphone with a bright light within inches of his face. He attempted to move the phone because it obstructed his vision, and that [REDACTED] then grabbed his vest and collar and pushed him into a metal gate. The report shows [REDACTED] was charged with misdemeanor battery and misdemeanor resisting/obstructing, with Officer [REDACTED] listed as the victim in each case.

6. **Court records**<sup>30</sup> show that the charges against [REDACTED] and [REDACTED] were dismissed with leave to reinstate on September 29, 2016.<sup>31</sup>

## VI. ANALYSIS

### A. Allegations involving conduct that preceded arrests

#### 1. Allegation # 1 against Officers [REDACTED] and [REDACTED]; their alleged improper seizure of [REDACTED].

Allegation # 1 against Officers [REDACTED] and [REDACTED] is SUSTAINED. The allegation, that Officers [REDACTED] and [REDACTED] improperly seized [REDACTED] by detaining him and demanding that he produce identification without lawful grounds is supported by substantial evidence. That evidence shows that the officers violated the Fourth Amendment's proscription against unreasonable searches and seizures as well as the corresponding provisions of Special Order S04-13-09, then in effect, by conducting an investigatory stop of [REDACTED] without having reasonable articulable suspicion [REDACTED] was committing, was about to commit, or had committed a criminal offense.

COPA rejects the officers' contentions that [REDACTED] closely resembled [REDACTED] the person whom officers were then seeking to arrest. The officers articulated no details supporting a claim of resemblance in the ISR notwithstanding that Special Order S04-13-09 then provided, among things, that one of the purposes of the ISR is "to ensure ... [that] sworn members document the facts and circumstances of an Investigatory Stop, including a statement of the facts establishing Reasonable Articulable Suspicion to stop an individual." Nor did the officers articu-

<sup>28</sup> Attachment #18.

<sup>29</sup> Attachment #26.

<sup>30</sup> Attachment #97.

<sup>31</sup> As of the date hereof, a search for court records relating to the arrest of [REDACTED] reveals that no such records are available, leading to an inference of arrest expungement.

late their claim of resemblance in any of the other reports that they prepared shortly after the incident. The officers also omitted from those reports any reference to the fact that they possessed an arrest photograph depicting [REDACTED] at the time of the incident. Side-by-side comparisons of [REDACTED] then-most-recent arrest photographs with the arrest photograph taken of [REDACTED] shortly after the incident (see Part V.B.1 above) bely any plausible claim that the two men looked alike, much less that they closely resembled each other.

The evidence suggests that the officers were given pause when they first encountered [REDACTED] in that they were then seeking to arrest a young African-American male whom they had reason to believe resided in the apartment building where the encounter took place. Under those circumstances, it would have been permissible under Special Order S04-13-09 then in effect for the officers to have asked [REDACTED] to produce identification. However, as that directive makes clear, [REDACTED] refusal to provide such identification was not legitimate grounds for his continued detention. Therefore, the officers were required to let him pass once he refused.

**2. Allegation #2 against Officers [REDACTED] and [REDACTED]; their alleged engagement in an unjustified verbal altercation with [REDACTED], [REDACTED], and [REDACTED]**

Allegation # 2 against Officers [REDACTED] and [REDACTED] is SUSTAINED. The allegation, that they engaged in an unjustified verbal altercation with [REDACTED], [REDACTED] and [REDACTED] is supported by substantial evidence. As set forth above, the officers were required to let [REDACTED] pass once he refused to provide identification. The evidence shows that, instead, the officers continued to engage verbally as they continued to attempt to gain identification from [REDACTED] and further, that their engagement escalated into an altercation. Under the circumstances shown by the evidence, the officers' engagement in that altercation was not justified.

**3. Allegation #3 against Officer [REDACTED]; his alleged failure to identify himself by name and star number.**

Allegation # 3 against Officer [REDACTED] is EXONERATED. That allegation, that Officer [REDACTED] failed to identify himself by giving his name, rank, and star number after having been so requested is supported by substantial evidence. Videos depicting parts of the incident show that Officer [REDACTED] name and star number were not visibly displayed at the time of the incident. The reports written by Officers [REDACTED] and [REDACTED] document that [REDACTED] did in fact request their names and star numbers and that Officer [REDACTED] did not provide that information in response. However, the officers reasonably suggested that all parties to the encounter leave the stairwell and that they would provide their information downstairs. This was a sound suggestion for both practical and security reasons, given the close proximity of some five people in a stairwell in a charged and escalating situation. Thus, COPA finds that the officers' failure to *immediately* provide their names and star numbers in this situation is excusable.

**B. Allegations involving arrests<sup>32</sup>**

The evidence shows that after [REDACTED] provided Officers and [REDACTED] and [REDACTED] with identification, the altercation intensified to the point that Officer [REDACTED] made a radio call for assistance. The evidence shows that upon their arrival, responding CPD members sought to restrain [REDACTED] [REDACTED] and [REDACTED] and that each of them demonstrated aggressive behavior justifying their arrests.

**1. The improper arrest of [REDACTED]: Allegation #1 against Sergeant [REDACTED]; Allegation #4 against Officer [REDACTED]; Allegation #5 against Officer [REDACTED].**

Allegation #1 against Sergeant [REDACTED] and Allegation #5 against Officer [REDACTED] are NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegation, which is that the officers improperly seized [REDACTED] by arresting him without probable cause to believe that he had committed a criminal offense.

Officer [REDACTED] account, that [REDACTED] pointed an index finger only inches from his eye is plausible, given the high level of emotion that all who were involved agree was on display. Sergeant [REDACTED] account of the arrest -- that he intervened to restrain [REDACTED] because he apprehended a potential battery from [REDACTED] aggressive behavior, is also plausible. None of the [REDACTED] family's videos depict Isaac's arrest. If the officers' statements are accurate, which COPA cannot determine, those accounts would negate the [REDACTED] family's allegations concerning [REDACTED] arrest, because they would justify the members' use of physical restraint against [REDACTED]. [REDACTED] himself admitted that he aggressively resisted members' attempts to restrain him.

Allegation #4 against Officer [REDACTED] is UNFOUNDED. The evidence shows that Officer [REDACTED] was not directly involved in [REDACTED] arrest, notwithstanding that the applicable arrest report listed him as an arresting officer.

**2. The arrest of [REDACTED]: Allegation #1 against Officer [REDACTED]; Allegation #3 against Officer [REDACTED]; Allegation #4 against Officer [REDACTED].**

Allegation #1 against Officer [REDACTED] is NOT SUSTAINED. There is insufficient evidence to either prove or disprove the allegation, which is that Officer [REDACTED] improperly seized [REDACTED] by arresting him without probable cause to believe that he had committed a criminal offense. [REDACTED] arrest is not depicted by any of the videos provided by the [REDACTED] family. Officer [REDACTED] account, that he necessarily attempted to restrain [REDACTED] to separate him from other CPD members who were involved in a physical struggle with [REDACTED] and that [REDACTED] resisted

<sup>32</sup>The [REDACTED] family's various claims of verbal abuse and post-arrest excessive force are not supported by any evidence apart from the claims themselves. No evidence suggests that any of the [REDACTED] sustained any injury consistent with the use of excessive force. Video evidence that they supplied shows neither verbal abuse nor excessive force, notwithstanding [REDACTED] claims that he captured footage that depicted such misconduct. Under the circumstances, COPA would expect that [REDACTED] would have made, kept, and produced a video evidencing verbal abuse and excessive force if such misconduct had in fact taken place. Therefore, COPA determined that the [REDACTED] family's claims did not merit the pursuit of formal allegations of verbal abuse and excessive force against any of the CPD members involved in the incident.

those attempts is plausible. If accurate, which COPA cannot determine, Officer [REDACTED] account would justify [REDACTED] arrest.

Allegation #3 against Officer [REDACTED] and Allegation #4 against Officer [REDACTED] and are UNFOUNDED. The evidence shows that Officers [REDACTED] and [REDACTED] were not directly involved in [REDACTED] arrest, notwithstanding that the applicable arrest report listed them as arresting officers.

**3. The arrest of [REDACTED]: Allegation #1 against Officer [REDACTED].**

Allegation # 1 against Officer [REDACTED] is UNFOUNDED. Officer [REDACTED] account of the arrest, that [REDACTED] aggressively grabbed at his vest and collar as he sought to restrain her, causing him to fall back against a metal grating, is corroborated by one of the videos provided by the [REDACTED] family. That video shows that [REDACTED] placed a cell phone near Officer [REDACTED] face and it provides a sound that could have been made by a person falling against a metal grating.

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**VII. RECOMMENDATIONS****a. Officer [REDACTED]****i. Complimentary and Disciplinary History**

Officer [REDACTED] complimentary history includes 110 Honorable Mentions, nine Department Commendations, seven Complimentary Letters, and one Life Saving Award. He has no history of discipline.

**ii. Recommended Penalty, by Allegation**

COPA recommends that Officer [REDACTED] receive a Violation Noted for his two sustained findings in Allegations 1 and 2. COPA finds that Officer [REDACTED] Complimentary History and lack of Disciplinary History are mitigating factors here.

**b. Officer [REDACTED]****i. Complimentary and Disciplinary History**

Officer [REDACTED] complimentary history includes seventy-two Honorable Mentions, three Department Commendations, and three Complimentary Letters. He has no history of discipline.

**ii. Recommended Penalty, by Allegation**

COPA recommends that Officer [REDACTED] receive a Violation Noted for his two sustained findings in Allegations 1 and 2. COPA finds that Officer [REDACTED] Complimentary History and lack of Disciplinary History are mitigating factors here.

**VIII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
P.O. [REDACTED]	1. [REDACTED] alleges that at approximately 4:39 p.m. on January 25, 2016, at [REDACTED] [REDACTED] the accused improperly seized his person in that the accused detained him and demanded that he produce identification without lawful grounds, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	SUSTAINED / VIOLATION NOTED
	2. [REDACTED], [REDACTED] and [REDACTED] [REDACTED] allege that at the above-stated time and place, the accused engaged in an unjustified verbal or physical altercation with them when they protested the above-described	SUSTAINED / VIOLATION NOTED

	<p>detention, in violation of Rule 9 of the CPD Rules of Conduct.</p> <p>3. [REDACTED] and [REDACTED] allege that at the above-stated time and place, the accused failed to identify himself by giving his name, rank, and star number after having been so requested by them, in violation of Rule 37 of the CPD Rules of Conduct.</p> <p>4. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>5. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p>	EXONERATED
P.O. [REDACTED]	<p>1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused detained him and demanded that he produce identification without lawful grounds, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>2. [REDACTED], [REDACTED], and [REDACTED] allege that at the above-stated time and place, the accused engaged in an unjustified verbal or physical altercation with them when they protested the above-described detention, in violation of Rule 9 of the CPD Rules of Conduct.</p> <p>3. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p> <p>4. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.</p>	SUSTAINED / VIOLATION NOTED
Sgt. [REDACTED]	<p>1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe</p>	SUSTAINED / VIOLATION NOTED
		UNFOUNDED
		UNFOUNDED
		NOT SUS-TAINED

	that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	
P.O. [REDACTED]	1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized his person in that the accused arrested him without probable cause to believe that he had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	NOT SUSTAINED
P.O. [REDACTED]	1. [REDACTED] alleges that at the above-stated time and place, the accused improperly seized her person in that the accused arrested her without probable cause to believe that she had committed a criminal offense, in violation of Rules 1, 2, and 8 of the CPD Rules of Conduct.	UNFOUNDED

[REDACTED]  
[REDACTED]  
*Deputy Chief Administrator – Chief Investigator*

*1-31-19*

Date

Appendix A

## Assigned Investigative Staff

<b>Squad#:</b>	Squad [REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]
<b>Attorney:</b>	[REDACTED]